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Attorneys for Defendants,
TEVA PHARMACEUTICALS, INC.,
TEVA WOMEN'S HEALTH, INC.
(f/k/a DURAMED PHARMACEUTICALS),
TEVA RESPIRATORY, LLC,
and TEVA NEUROSCIENCE, INC.

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

DEBRA MACDONALD, Plaintiff, vs. TEVA PHARMACEUTICALS USA, INC., GATE PHARMACEUTICALS, DURAMED PHARMACEUTICALS, TEVA RESPIRATORY, TEVA NEUROSCIENCE, and DOES 1-200, Defendants.	Case No.: CV 10-2485-PA (RCx) Judge: Percy Anderson Magistrate: Rosalyn Chapman **NOTICE OF SUPPLEMENTAL AUTHORITY OF DEFENDANTS TEVA PHARMACEUTICALS USA, INC., TEVA WOMEN'S HEALTH, INC. (F/K/A DURAMED PHARMACEUTICALS), TEVA RESPIRATORY, LLC, AND TEVA NEUROSCIENCE, INC.'S IN SUPPORT OF EX PARTE APPLICATION**

TO THIS HONORABLE COURT AND TO PLAINTIFF:

On May 5, 2010, Defendants Teva Pharmaceuticals USA, Inc., Teva Women's Health, Inc. (f/k/a Duramed Pharmaceuticals), Teva Respiratory, LLC, and Teva Neuroscience, Inc. (the "Removing Defendants") filed their Ex Parte Application (Doc.

#18) for reconsideration of the Court's April 29, 2010 Minute Order (Doc. # 16). In the Minute Order, the Court *sua sponte* ordered this matter remanded to the California Superior Court for the County of Los Angeles on the basis that "Removing Defendants' failure to affirmatively explain the absence of CVS [Pharmacy, Inc.] renders the Notice of Removal procedurally defective." (Minute Order at 2.) The Removing Parties respectfully submit additional authority in support of the Ex Parte Application as follows:

Kelton Arms Condominium Assoc. Inc. v. Homestead Ins. Co., 346 F.3d 1190, 1193 (9th Cir. 2003) ("district court cannot remand *sua sponte* for defects in removal procedure"; notwithstanding 28 U.S.C. § 1446(d), a district court's sua sponte remand for procedural defect is reviewable because a "district court lack[s] authority to remand *sua sponte*.").

Dated: May 7, 2010

Respectfully submitted,

MORRIS POLICH & PURDY LLP

By: /s/ Wendi J. Frisch
Anthony G. Brazil
Karen M. Firstenberg
Wendi J. Frisch

Attorneys for Defendants Teva Pharmaceuticals, Inc., Teva Women's Health, Inc. (f/k/a Duramed Pharmaceuticals), Teva Respiratory, LLC, and Teva Neuroscience, Inc.

PROOF OF SERVICE

I am employed in Los Angeles County. I am over the age of 18 and not a party to this action. My business address is 1055 West Seventh Street, 24th Floor, Los Angeles, California 90017.

On May 7, 2010, I served the foregoing document, described as

NOTICE OF SUPPLEMENTAL AUTHORITY OF DEFENDANTS TEVA PHARMACEUTICALS USA, INC., TEVA WOMEN'S HEALTH, INC. (F/K/A DURAMED PHARMACEUTICALS), TEVA RESPIRATORY, LLC, AND TEVA NEUROSCIENCE, INC.'S IN SUPPORT OF EX PARTE APPLICATION

in this action by placing:

☐ the original of the document ☒ true copies of the document
in separate sealed envelopes to the following addresses:

Debra MacDonald
28151-60 Seco Canyon Road
Saugus, CA 91390
telephone: 818-902-9855
facsimile: 818-902-0705
Plaintiff, in Pro Per

☒ **BY U.S. MAIL** I deposited such envelope in the mail at Los Angeles, California. The envelopes were mailed with postage thereon fully prepaid. I am readily familiar with Morris Polich & Purdy's practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day which is stated in the proof of service, with postage fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

☒ **BY FACSIMILE** I caused the above-referenced document to be transmitted via facsimile to the parties as listed on this Proof of Service.

☒ Submitting an electronic version of the document(s) via file transfer protocol (FTP) to ECF (Electronic Case Filing).

☒ **FEDERAL** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made

Executed on May 7 2010, at Los Angeles, California.

Lisa Gibbons